

## United States District Court

for

Middle District of Alabama

### Request for Modifying the Conditions or Term of Supervision with Consent of the Offender

*(Probation Form 49, Waiver of Hearing is Attached)*

Name of Offender: Showers, George D.

Case Number: 1:06CR-254-CSC

Name of Sentencing Judicial Officer: Honorable Charles S. Coody, Chief U. S. Magistrate Judge

Date of Original Sentence: May 8, 2007

Original Offense: 18 U.S.C. 13- Operating Watercraft While Under the Influence of Alcohol

Original Sentence: One Year Probation

Type of Supervision: Probation

Date Supervision Commenced: May 8, 2007

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### PETITIONING THE COURT

☒ To extend the term of supervision for 6 months, for a total term of 18 months.

☐ To modify the conditions of supervision as follows:

**The defendant's term of probation imposed on May 8, 2007, shall be extended for an additional term of 6 months, and shall expire on November 7, 2008.**

### CAUSE

**Violation of a Special Condition which states, "You shall attend and successfully complete a DUI or substance abuse court referral program approved by the State of Alabama prior to the expiration of the term of supervision."**

On April 1, 2008, the probation officer was contacted by Rhonda Bertsch from the South Central Alabama Mental Health Office located in Enterprise, Alabama. She advised that Showers will not complete the Intensive Outpatient Program as scheduled after testing positive for Opiates. Prior to beginning the Intensive Outpatient Program, Showers was advised of the facilities policy of no drug use, including prescription medication, while actively enrolled in the drug treatment program. He was instructed to bring a doctor's excuse to the facility in order to verify he was taking pain medication due to a hernia. He failed to submit the doctor's excuse and his drug treatment will be extended for an undetermined amount of time. Showers will be unable to complete treatment prior to expiration of probation.

### RECOMMENDATION

It is respectfully recommended that the conditions of probation be extended as noted above. Shower's participation in the Court Referral Program will be monitored. Showers has a prescription for pain medication, however, he was advised that he must comply with the rules of the treatment program regarding the use of medication. The extension of probation for six months should allow Showers ample time to complete the drug treatment program. A Waiver of Hearing to Extend the Term of Probation signed by Showers is attached for the Courts review.

I declare under penalty of perjury that the foregoing is true and correct.  
Executed on April 24, 2008.

\_\_\_\_\_  
/s/ Brad Brockett

Brad Brockett  
United States Probation Officer

Reviewed & Approved:

\_\_\_\_\_  
/s/ Robert A. Pitcher

Robert A. Pitcher, Senior U.S. Probation Officer/OIC

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THE COURT ORDERS:

- ☐ The Extension of Supervision as Noted Above
- ☐ The Modification of Conditions as Noted Above
- ☐ No Action
- ☐ Other

\_\_\_\_\_  
Signature of Judicial Officer

\_\_\_\_\_  
Date

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA**

**Waiver of Hearing to Modify Conditions  
of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation or to the proposed extension of my term of supervision:

**The defendant's term of probation imposed on May 8, 2007, shall be extended for an additional term of 6 months, and shall expire on November 7, 2008.**

Witness: \_\_\_\_\_

U. S. Probation Officer

Signed: \_\_\_\_\_

Probationer or Supervised Releasee

4/24/08  
Date

